



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2023-22A

Jenny Barnhouse, Executive Director
Oklahoma Board of Nursing
P.O. Box 52926
Oklahoma City, OK 73152

July 12, 2023

Re: Vaden, Case No. 3.2021080163.23

Dear Executive Director Barnhouse:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Nursing intends to take pursuant to a Stipulated Order (“SO”) in case 3.2021080163.23. The Respondent holds a single state suspended LPN license.

The Oklahoma Nursing Practice Act authorizes the Board to impose discipline when a nurse “[i]s guilty of deceit or material misrepresentation in procuring or attempting to procure” a nursing license or “[i]s guilty of a felony[.]” 59 O.S.2021, § 567.8(B)(1)(a), (2).

In July 2022, the Respondent entered into the agreed SO after pleading guilty to felony drug-related charges and failing to disclose the offense on renewal applications. Under the SO, Respondent’s license was temporarily suspended pending an evaluation and twice-monthly body fluid testing. On receiving the evaluation, the Board ordered the Respondent to appear for review of the evaluation. The Board now proposes to accept Respondent’s evaluation and refer the Respondent to the Board’s Peer Assistance Program (“PAP”). The license will remain temporarily suspended pending acceptance to PAP. If PAP is not completed or Respondent defaults or terminates from PAP, Respondent’s license will be revoked for two years. If the license is revoked, the Respondent must meet the Board’s guidelines for reinstatement. Upon reinstatement after revocation, the Respondent will again be referred to PAP. Any other violations of the Nursing Practice Act may also subject Respondent to disciplinary action, up to and including licensure revocation. The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Nursing has adequate support for the conclusion that this action advances the State’s policy to protect public health, safety, and welfare by ensuring nurses meet minimum standards of professional conduct.

A handwritten signature in blue ink, appearing to read "Rob Johnson".

ROB JOHNSON
GENERAL COUNSEL